

## **REMARKS**

In response to the Office action dated August 3, 2010, the Assignee respectfully requests reconsideration. To further the prosecution of this application, amendments have been made in the claims and the claims as presented are believed to be in condition for allowance.

### **I. Telephone Interview**

Initially, the undersigned thanks Examiner Godbold for the courtesies extended in granting and conducting a telephone interview on October 4, 2010. The substance of that telephone interview is summarized herein.

### **II. Rejections Under 35 U.S.C. § 103**

Each of the claims is rejected under 35 U.S.C. § 103(a) as purportedly being obvious over U.S. Patent No. 7,139,706 (Yuschik) in view of U.S. Patent No. 7,117,153 (Mahajan) either alone or in combination with additional references. Each of these rejections is respectfully traversed for the reasons set forth in the response filed on May 17, 2010, which is incorporated herein by reference.

During the interview, the undersigned provided a brief overview of embodiments of the invention and an aspect thereof that is believed to distinguish over the prior art of record. In particular, the undersigned explained that in developing grammars for an interactive voice response system, it is desirable to ensure that grammars that may be active at the same time are sufficiently distinguishable that the system would not get confused when the user speaks one of the words in the grammar. Thus, in accordance with some embodiments of the present invention, techniques are used to determine how distinguishable the current grammar is from other grammars active when the current grammar is active, including grammars that may correspond to other menus.

In the latest Office Action, the Examiner provided helpful comments responding to the Assignee's arguments, and those comments were the focus of the telephone discussion. Specifically, using claim 1 as an example, the undersigned explained that he understood the "Response to Arguments" section of the Office Action to indicate the Examiner's belief that claim 1 was sufficiently broad to not require that the at least one measure of how distinguishable the current grammar is from other grammars in the set of active grammars to require that the at least one

measure be indicative of how distinguishable the current grammar is from a grammar in another menu. It was agreed that if each of the independent claims was amended to make such a distinction clear, such amendments would overcome the rejections.

As amended herein, each of independent claims 1 and 7 explicitly recites that the at least one measure comprise at least one measure of how distinguishable the current grammar is from the at least one grammar from the second menu of the voice portal, and independent claim 17 recites that the set of statistics indicative of how distinguishable the current grammar is from other grammars be indicative of how distinguishable the current grammar is from the at least one grammar from the second menu of the voice portal. In view of these amendments, it is believed that each of the independent claims clearly distinguishes over the prior art of record. Thus, it is requested that the rejections of all of the claims under 35 U.S.C. § 103 be withdrawn.

### **III. Additional Comments on Dependent Claims**

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, the Assignee believes it is unnecessary at this time to argue the allowability of each of the dependent claims individually. The Assignee does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor does the Assignee concur that the basis for the rejection of any dependent claim is proper. Therefore, the Assignee reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.


**CONCLUSION**

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes for any reason that the application is not in condition for allowance, he is requested to contact the undersigned to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70571US00.

Dated: October 4, 2010

Respectfully submitted,

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